

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JOE LOUIS COLEMAN, 03-B-1996,

Plaintiff,

04-CV-0761A(Sr)

v.

SERGEANT RENOOLDS, et al.,

Defendants.

ORDER

In accordance with 28 U.S.C. § 636(c), the parties have consented to have the undersigned conduct all further proceedings in this case, including entry of final judgment. Dkt. #24.

On March 23, 2007, plaintiff filed notice of intent to amend his complaint, claiming that he was unable to file an amended complaint because defendants' counsel had not provided sufficient discovery to permit him to identify additional defendants. Dkt. #69. The Court conducted a telephone conference with the parties and determined that plaintiff sought to add one additional defendant who was known to him as "Deputy Smooth." The Assistant Erie County Attorney was directed to inquire as to the actual identity of "Deputy Smooth" and reported that the proper name for this individual is Craig Gadly, Sr.

Plaintiff shall file the amended complaint naming Craig Gadly, Sr. as a defendant and setting forth allegations against him with the Clerk of the Court and serve a copy upon the Assistant Erie County Attorney. Upon receipt of the amended

complaint, the Clerk's Office shall complete the Summons in a Civil Case and United States Marshals Service Process Receipt and Return for Craig Gadly, Sr. using the address provided by the Assistant Erie County Attorney to the Court and forward them, along with a copy of the amended complaint and this Order to the United States Marshals Service for service. The plaintiff shall not receive a copy of any documents bearing Craig Gadly, Sr.'s address. Craig Gadly, Sr. shall respond to the amended complaint in due course.

SO ORDERED.

DATED: Buffalo, New York
December 4, 2007

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge